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REMARKS

Claims 39, 43, 48, and 63 were rejected under 35 USC 112, first paragraph, for failing to comply with the written description requirement. Applicants respectfully traverse.

The Examiner asserts that claim 39 specifies a first transmission and reception scheme and protocol that is different from a second transmission and reception scheme and protocol, and that this is not described in the specification "to reasonably convey to one skilled in the relevant art that the inventors had "possession of the claimed invention." The rejection of claims 43, 48 and 63 is basically the same.

Applicants respectfully disagree.

The specification is perfectly clear that it relates to the coupling between fixed wireless broadband access (FWBA) signals that arrive at, for example, a building, and wireless local area network (WLAN) signals *within* the building. See, FIG. 2. Therefore, the claim 39 elements of:

a broadband interface unit adapted to couple to a fixed antenna or a satellite dish, for interacting via a broadband wireless channel employing a first transmission and reception scheme and protocol with a site that is remote from a building that houses said fixed antenna or a satellite dish;

and

a local area interface unit for interacting with a wireless local area network within said building in accord with a second transmission and reception scheme and protocol

are clearly supported by the specification.

Actually, it does not appear that the Examiner is asserting to the contrary. Rather, it appears that the Examiner is asserting that the specification fails to teach that the FWBA and WLAN have *different* transmission and reception schemes and protocols.

Here, too, applicants respectfully disagree.

A skilled artisan knows that a FWBA system can have a number of transmission and reception schemes and protocols. AM, FM, CDMA, packet, and TDMA are transmission and reception schemes and protocols that immediately come to mind. A skilled artisan also knows that WLAN systems can have a number of transmission and

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reception schemes and protocols. To give just one example, a WLAN can be packet based, or time slot based.

Can the transmission and reception scheme and protocol of a FWBA system and a WLAN system be the same? For the following reasons, the answer is: practically, no.

First, the environment for which FWBA is designed is always different from the environment for which WLAN is designed. With the former one has to deal with transmissions over long distances in the presence of many other signals, and under licensing supervision and control of public bodies (in the US, the FCC). With the latter, in contradistinction, one has to deal only with transmissions over very short distances – and purposely limited to short distances not only so as not to run afoul of the law and rules of the FCC, and also so as not to interfere with other WLANs. Therefore, the transmission and reception schemes and protocols would naturally be different.

Secondly, and more importantly for the case at hand, a skilled artisan knows that the FWBA system and a coexisting WLAN system must necessarily have different transmission and reception scheme and protocol because, otherwise, the two systems would interfere with one another and unnecessarily introduce errors. No skilled artisan would elect to create error situations when there is no cause to do it.

Thirdly, the instant specification clearly describes at least one embodiment where a mobile unit such as a cell phone is directed to **change** from a communication with the WLAN system to communication with the FWBA system. This clearly evidences a discernable difference between the FWBA channels and WLAN channels of the arrangement disclosed in applicants' specification. If no difference existed, the notion of changing from one to another channel would have no meaning.

Fourthly, the specification teaches, and the original claim 1 specifies, a modulator/demodulator between the broadband radio signal transmitter/receiver and the wireless local radio. This, too, evidences that the two transmission and receiving schemes and protocols are different. That is, if there was no difference in the transmission and receiving schemes, there would be no need for the specified modulator/demodulator.

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It is respectfully submitted, therefore, that the specification clearly supports the notion of different transmission and reception schemes and protocols, and therefore, the rejection under 35 USC 112.

In view of the belief that claims 39, 43, 58, and 63 comply with 35 USC 112, first paragraph, it is respectfully submitted that the remaining claims also comply with 35 USC 112, first paragraph.

Claims 39-62 were rejected under 35 USC 103 as being unpatentable over Zendle et al, US Patent 6,628,627 in view of Mahany et al, US Patent 5,949,776 and further in view of Toporek et al, US Patent 6,654,344. Applicants respectfully traverse.

First, it is noted that the subject matter of claims 39-69 was addressed in the remarks of a preliminary amendment in this case, based on assertions previously made by the Examiner relative to the Zendle et al and Mahany et al references. Second, the Examiner's remarks in the instant Office action relative to the Zendle et al and Mahany et al references is verbatim the same. Third, the Examiner states that applicants' arguments are moot in view of the new grounds of rejection.

Respectfully, the Examiner's assertion of mootness is incorrect. The Examiner has made a number of assertions, and applicants argued that one of the limitations (say, limitation X) that the Examiner asserted as being taught by the references is, in fact, not taught by the references. Now the Examiner repeats the assertion regarding limitation X, cites a new reference **relative to a different limitation** (say, limitation Y) and declares applicants' argument moot. Respectfully, simple logic dictates otherwise. *If applicants' argument relative to limitation X is valid, then a citation relative to limitation Y does not negate the argument's validity and, consequently, the Examiner should have allowed the claim.* If applicants' argument relative to limitation X is not valid, then a citation relative to limitation Y is immaterial relative to limitation X and does not demonstrate that applicants' argument is invalid. Consequently, the issue is not moot. Rather, if the Examiner disagrees with applicants' argument, it is incumbent on the Examiner to rebut applicants' the argument.

Applicants respectfully request reconsideration, and to focus the reconsideration, applicants note that, quite simply, the Zendle et al reference does NOT describe a wireless local area network in a building that interfaces with a wireless broadband

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communication between the building and a remote point. There is nothing in Zendle et al to suggest that the wired network of Zendle ought to, or might benefit from, being replaced with a wireless network.

As for the Mahany et al reference, it describes two WLANs, where roaming computing devices communicate over an extended area via a first local area network that is a high power radio communications system. *Separately and independently of any communication over this first local area network*, each of the roaming computing devices can communicate with peripheral devices via a second, low-power, local area network. Thus, the roaming computing devices basically have two independent functions: one is to communicate with the peripheral devices, to process information relative to these peripheral devices, and to effectively serve as a communication hub for those peripheral devices; and the other is to interact with a computer (34 in FIG. 1b).

Based on the above, it is clear that Mahany et al arrangement is quite different from the Zendle et al arrangement and, therefore, combining of Zendle et al and Mahany et al is not obvious, if not actually contra-indicated, because the "middle element" in Zendle et al (distribution controller 507) is a mere conduit, whereas the "middle element" in Mahany et al (the roaming computers) is a processing element rather than a conduit element. Put in other words, it is respectfully submitted that a skilled artisan who is aware of both references would not combine them to create a system/method as claimed herein because of the following reasons. First, Mahany et al do not have a fixed antenna or a satellite dish as part of the roaming computing devices. Second, the roaming computing (processing) devices are just that: (a) roaming, and (b) processing devices. The distribution controller 507 of Zendle et al, in contradistinction, is neither roaming nor a processing device. Third, the elements between the first wireless signals in applicants' claims and the second wireless signals in applicants' claims serve as mere conduits of the signals having different protocols. In contradistinction, the Mahany et al roaming computers communicate downstream with the peripherals, and separately and independently communicate upstream with computer 34. If there is any communication between the computer and the downstream peripherals, it seems to be never without some processing by the roaming computers.

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To highlight this distinction, claim 39 is amended to make it clear that no processing is performed in the elements that form the conduit, other than the protocol and scheme translations.

The Toporek et al reference is cited for the proposition that protocol conversions are well known. However, as demonstrated above, the subject claims are unobvious in view of Zendle et al and Mahany et al combination *independently* of the fact that the claims specify different transmission and reception protocol and scheme. In other words, adding the Toporek et al reference to the combination of Zendle et al and Mahany et al (even if there was motivation for such a combination) does not yield the subject matter of claim 39 and, therefore, it is respectfully submitted that claim 39 is unobvious in view of the Zendle et al, Mahany et al, and Toporek et al combination of references.

As for claim 43, first, it is believed that amended claim 43 is not obvious in view of the Zendle et al, Mahany et al, and Toporek et al combination of references for the reasons expressed above in connection with claim 39. Secondly, amended claim 43 includes the limitation of

a user device adapted to communicate with said site via a first path or a second path, where the first path comprises said integrator, and said second path bypasses said integrator

which is totally absent in the cited references. Applicants found no explicit comments from the Examiner explaining why claim 43 was not deemed patentable.

It is respectfully submitted, therefore, that claim 43 is not obvious in view of the cited references, and that all claims that depend on claim 43 are not obvious in view of the cited references, at least by virtue of this dependence.

As for claim 58, first, it is respectfully submitted that the above arguments apply to claim 58. For example, it is clear that the formulation of claim 58 defines an effective conduit for the signals, without any processing other than protocol conversion. Second, claim 58 includes a limitation which specifies that transmission of information received by the fixed wireless broadband signal to the user device is arrested when the device indicates that it is not available because it is conditioned to receive signals via another path, e.g., directly from the source of the fixed wireless broadband signal. In connection with this limitation, the Examiner points to Mahany et al, who describe a user device selectively communicating with an access point via a second (local area) network when

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communication with that access point is unavailable (e.g., impossible because of insufficient signal strength) over a first network. Conversely, it can be said that the device chooses to communicate with the first network when the signal of that first network is sufficient, and by extension chooses to not communicate with the wireless access point via the second network. Respectfully, however, a device choosing to not communicate with an access point via a second network when the signal strength between the wireless access point and the device via a first network is high is totally different from an access point not sending any signals over a second network, *or any other network*, to a device when that device receives information (a) from another point and (b) over a first network. Aside from the difference being that in Mahany et al the communication is always between the wireless access point and the user device and the only question is which network is used (whereas in claim 58 the communication is via the conduit or not), a second difference lies in the fact that in claim 58 it is specified not no signal is transmitted to the user device – i.e., controlled by the apparatus that executes the conduit function (whereas in Mahany et al there is no teaching that a signal is not transmitted over the second network).

It is respectfully submitted that, for the reasons expressed above in connection with claim 39, and also for the reasons expressed above relative to the limitation found in the last clause of the claim, claim 58 is not obvious in view of the Zendle et al, Mahany et al, and Toporek et al combination of references, and that all claims that depend on claim 58 are not obvious in view of the cited references at least by virtue of this dependence.

Claims 63 and 64 were rejected under 35 USC 103 as being unpatentable over Hensley et al, U.S. Patent 5,898,730 in view of the aforementioned Toporek et al reference. Applicants respectfully traverse.

The Examiner asserts that Hansley et al teach a method for determining signal quality of a communication channel in a communication system and a method of integrating fixed wireless broadband access and a wireless local area network. Applicants respectfully disagree with this assertion.

Actually, in the immediately previous communication applicants fully addressed the Examiner's assertions regarding the Hansley et al reference. Applicants first pointed out that the Examiner failed to point to anything that corresponds to the *"fixed wireless*

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access," and also failed to identify that which the Examiner considers to be the "wireless local area" radio network. Applicants also pointed out that Hansley et al does not describe two different communication fabrics, and concluded that in Hansley et al there is no correspondence.

It is noted that in the Office Action to which this amendment responds, the Examiner has not only failed to remedy the above-mentioned failing, but actually repeated the previous assertion, verbatim, and thus again failed to point out a correspondence to the fixed broadband wireless means, or channel.

The closest correspondence that can be asserted is that a mobile unit determines the signal strength of the base stations of two different cells, and chooses to communicate with a source via the base station that offers the higher signal strength.

However, claim 63 specifies a first step of determining a signal strength and a channel interference level of a particular channel. It is a channel that includes a local area network within a building, and a broadband wireless channels that couples the local area network to a source via a fixed broadband wireless access means. No such channel exists in Hansley et al. There is nothing shown in Hansley et al that corresponds to "fixed broadband wireless access means," and certainly none of the base stations exhibit such a correspondence. In fact, lines 2 and 3 of FIG. 1 in Hansley et al strongly suggest that the communication from the source to all of the base station is wired rather than wireless.

Moreover, one of the salient features of cellular networks, such as used in Hansley et al is that all of the base stations employ the same protocol. The Examiner admits this, but suggests that the Toporek system teaches different protocols and that the teachings of Toporek can be combined with the teachings of Hansley to yield the method of claim 63. Not so.

First, the Toporek reference teaches communication from point A (101) to point B (117) via a point C (element 111A) with a different protocol between A and C compared to the protocol between C and B. That would correspond to having a different protocol between the source and each of the base stations of Hansley et al compared to the protocol between the base stations and the mobile units. That, however, would NOT correspond to claim 63. Moreover, if Toporek were to teach different protocols in a

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manner that does correspond to claim 63 (which it does not appear to), no skilled artisan would modify a cellular network, such as the Hansley et al system, where there is a plurality of cells that all use the same protocol, to have different base stations pf the network's cells use different protocols. Such a modification would basically destroy the functionality of the cellular network and, therefore, would be contra-indicated.

Based on the above, it is respectfully submitted that claim 63 is not obvious in view of Hansley et al and Toporek et al combination of references, and neither is dependent claim 64.

In light of the amendments and above remarks, it is respectfully submitted that all of the Examiner's rejections have been overcome. Reconsideration and allowance of the claims are respectfully solicited.

Respectfully,
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